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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,691	12/27/2001	Gerardus Leonardus Mathien Teeuwen	BO 44159 ACW	9297
466	7590	12/01/2003	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			WEINSTEIN, STEVEN L	
			ART UNIT	PAPER NUMBER
			1761	

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,691

Applicant(s)

TEEUWEN, GERARDUS
LEONARDUS MATHIEU

Examiner

Steven L. Weinstein

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/22/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pak et al (4,919,946) in view of Buschmann et al (WO 97/36505) and Stanley (3,410,691).

In regard to claim 1, Pak et al discloses a shaped product that is container shaped, that consists of rice or potato (column 4, paragraph 1) and is capable of accommodating an edible topping such as meat or vegetables (column 3, lines 56 plus). Buschmann et al is relied on as further evidence of edible containers made from potatoes or rice. Claim 1 differs from Pak et al in the recitation that the shaped product has an external surface coated with an egg product and/or fat product. Pak et al is silent in this regard. Stanley, who also teaches edible containers for holding meat, fish and vegetables, discloses coating the external surface of the edible container with a coating of egg product to achieve a surface skin or crust that is browned, and attractive in appearance after heating. Such glazes are notoriously old in the food art. To modify Pak et al and provide a coating on the edible container to provide an attractive crust would therefore have been obvious. In regard to claim 5, since Pak et al discloses that the product can be potato or rice, then Pak et al teaches a product that includes vegetables on the inside.

Claims 2 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Broberg et al (6,214,403), Ishide et al (5,500,242) and Nagai et al (4,897,275).

Claim 2 differs from the combination in the addition of a coating of breadcrumbs. Buschmann et al discloses a coating of breadcrumbs on any edible container. Broberg et al, Ishida et al and Nagai et al, are further evidence that it was notoriously conventional in the art to provide foods with a coating of bread crumbs, for among other reasons, to enhance textural qualities. To modify the combination and provide a coating of bread crumbs to enhance the texture would therefore have been obvious. In regard to claim 7, a method claim, Pak et al discloses heating a food product made of potato or rice after shaping the composition into a container shape, so that the heating (which can be frying or other conventional heating methods--claims 8 and 9) sets the shape. As noted above, Stanley teaches it would have been obvious to modify Pak et al and provide an egg product coating and Broberg et al, Ishida et al and Nagai et al further teach it would have been obvious to also coat with bread crumbs.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Tsuchida et al (Jp. 11-346675).

Claim 3 recites that the product comprises boiled pre-cooked rice product. Pak et al is silent as to the nature of the rice container. In any case, Buschmann et al discloses grated and cooked rice to form an edible container and Tsuchida et al is further evidence that it was conventional to employ cooked rice (i.e. the rice cake) to form an edible container and to modify Pak et al if necessary, and substitute one conventional composition for another for its art recognized and applicants' intended function would have been obvious.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Glabe et al (3,764,344).

Similarly, Buschmann et al discloses grated and cooked potato in the form of an edible container and Glabe et al discloses it was conventional to provide an edible container using mashed potatoes and to modify Pak et al, if necessary, and substitute one conventional composition for another for its art recognized and applicants intended function would have been obvious.


The remainder of the references cited in the USPTO 892 form are cited as pertinent art.

Any inquiry concerning this communication from the examiner should be directed to Steven Weinstein whose telephone number is (703) 308-0650. The examiner can generally be reached on Monday-Friday from 7:00 a.m. to 3:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (703) 308-3959. The fax phone number for the organization where this application is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

S. Weinstein/dh
November 18, 2003


STEVE WEINSTEIN
PRIMARY EXAMINER 1761
11/24/03